

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
UNITED STATES OF AMERICA)
)
)
) CRIMINAL NO. 04-CR-10288-RWZ
v.)
)
CARLOS ESPINOLA, et al.)
)

GOVERNMENT'S RESPONSE TO MOTIONS TO STRIKE NOTICE OF ADDITIONAL
FACTORS AS SURPLUSAGE

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, and hereby files its response to the various motions to strike the notice of additional factors filed by defendants in the above-captioned case. The United States has no objection to the motions to strike the notice of additional factors contained in the indictment.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ David G. Tobin

DAVID G. TOBIN
Assistant U.S. Attorney

April 11, 2005

CERTIFICATE OF SERVICE

I, David G. Tobin, do hereby certify that a copy of the foregoing was served by mail on counsel for the defendant, Stephen D. Judge, Esq., on August 11, 2004.

/s/ David G. Tobin
DAVID G. TOBIN
ASSISTANT UNITED STATES ATTORNEY